

Naples City Council

July 9, 2009

Minutes

The regularly scheduled meeting of the Naples City Council was held July 9, 2009, at 7:30 p.m. at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Sam Scott, Steve Wells, Mark Watkins, Jim Harper, Chris Hoem, Craig Blunt, and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance and the invocation was offered by Gordon Kitchen.

OPENING CEREMONY

Mayor Baker added a closed session to the agenda after other matters. Dan Olsen **moved** to approve the agenda with that addition. Ken Reynolds **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of June 25, 2009. Councilman Kitchen wanted to add some clarification to the minutes regarding the discussion about the drainage project on 500 South. He wanted to make sure and clarify that he was concerned about how the drainage on 2000 East would tie into 500 South. Ken Reynolds **moved** to approve the minutes of June 25, 2009 with the clarification by Councilman Kitchen regarding 2000 East and 500 South. Dennis Long **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Councilman Long asked Craig if he met with Ms. Lucero, the Economic Development Director. Craig stated he did meet with her and said they will be meeting again on the 22nd to take her around and show her the needs of the City. Craig reported that he also met with Vernal City regarding the 500 South drainage project and they asked him to be patient and they would get him the information he asked for. Craig told them he wanted to make sure they are taking the needs of Naples City into consideration as they are making decisions

FOLLOW UPS FROM PREVIOUS MEETING

regarding the drainage that will affect the City.

Nikki Kay presented the bills in the amount of \$45,681.22 for June payables and \$47,017.60 for July payables and asked for approval to pay them. Dennis Long **moved** to accept the amounts for both June and July. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Gordon Kitchen	Aye
Dennis Long	Aye
Dan Olsen	Aye
Kenneth Reynolds	Aye

APPROVAL OF THE BILLS

Chris Hoem came before the Council and reminded them of a meeting held a year ago regarding the installation of a stone fence at Wheeler Machinery. Chris stated that at the time Wheeler Machinery agreed to put in the fence there was talk of a residential development east of their property. The Planning Commission required a concrete wall in order to provide a buffer for the residential zone. Chris told the Council that the residential development that was proposed to the Council is no longer going to happen. Wheeler Machinery has asked for approval to postpone putting up a solid stone wall and would like to place a privacy chainlink fence along the east and north side of their property. Chris explained that the Land Use Ordinance requires a wooden, ornamental, or decorative solid fence or wall which protects the adjoining residential property. Mayor Baker asked what the recommendation of the Planning Commission is. Chris said the Commission felt the chain link fence was okay for now but they would like to hold Wheeler Machinery to their commitment of a stone fence if the property is developed with residential. Councilman Kitchen wanted to know if the City could make an agreement with Wheeler Machinery that stated if they ever sold the property there would be a covenant attached agreeing to the construction of the fence. Councilman Long asked where the chainlink fence will be placed. Steve Wells with Wheeler Machinery told the Council they would like to secure their property so they can start using it. He said they aren't asking to be relinquished from their commitment to the stone fence, but they would just like to postpone it. Craig said the chainlink would need to be 80% obscure. Mr. Wells said they would like, at this time, to take the chainlink fence to the edge of their property. It was originally proposed to have twenty feet of their property with

INSTALLATION OF FENCE AT WHEELER MACHINERY

xeriscape landscaping and a rock wall. Mr. Wells said they would be glad to give the City a letter of guarantee regarding the matter of the stone wall and to revisit the idea if development changes in the future. Robert Hall **moved** to accept the recommendation of the Planning Commission with the addition of the letter that would ensure if development happened in the future the original commitment would be honored. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Repairs to 2007 Dodge Magnum - Chief Mark Watkins asked the Council to approve the cost of repairs to the air-conditioning unit on the 2007 Dodge Magnum. Chief Watkins said the complete unit went out which means replacing the compressor and the condenser. He said the air-conditioning unit is critical in this vehicle because it is one of the K-9 units. Robert Hall **moved** to approve the 2007 Dodge Magnum repair for \$1,423.44. Dennis Long **seconded** the motion. The motion passed with the following vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Watkins told the Council that the mechanics for Vernal City are Dodge certified and wanted to know if he could speak with Chief Jensen and see if they could work out some type of a deal to have them work on the City's cars. Council members wanted to make sure they didn't miss out on giving work to a local mechanic if possible. They wanted Chief Watkins to check with any mechanics in the City to see if they were certified to work on the Dodge vehicles.

Mayor Baker asked Councilman Kitchen if he was familiar with the request for easements at the City park by the Recreation District. Councilman Kitchen stated he was not. Craig Blunt told the Council that he believed the Recreation District was seeking help from the Community Impact Board (CIB) to help with funding for the upgrade to the lighting systems at the city parks. He believed any time you ask for that type of funding it is required to have the easements in place and to have those platted out. Craig told the Council that he recommends a "Hold Harmless" agreement be included with the easements and also an agreement that if the District ever dissolves, those easements will revert back

***APPROVAL FOR REPAIRS
TO 2007 DODGE MAGNUM***

***R E Q U E S T B Y
RECREATION DISTRICT
FOR EASEMENTS AT CITY
PARK***

to the City. Craig said he has been working on the easements with City Attorney Dennis Judd but has not received the entire back. Craig also said he asked Attorney Clark McClellan for a map showing the easements and he has not received that. Gordon Kitchen **moved** to table the matter until more information and clarification is received. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Craig Blunt told the Council that the original bid packet for the 1000 South road project didn't illustrate the exact distances for the lighting. The contractor only bid for 100 feet of conduit and 520 feet is needed for the lighting. Craig said Rocky Mtn Power never gave the exact location of the poles and placement of the lights when the project started. The contractor bid on what the plan showed and the reality was something entirely different. Craig said he didn't feel comfortable trying to hold the contractor to the original bid because of how the plan was written. Craig also said he feels JB Gordon Construction has given a lot to the project. Craig said the Council would need to approve the amount for the change order but they would also need to approve the amount to B.H.I. for the wire. Mayor Baker wanted to know if the contract stated the contractor would install the poles. Craig said that it did. The Mayor said he believed that should tell the contractor he would be responsible for the wire. Craig said the wire and meter base would be an additional \$4,820.72. The change order for the installation of lights on 1000 South was for \$18,965. Councilman Kitchen felt the \$18,965 was a legitimate request. Mayor Baker felt the contractor should be responsible for purchasing and pulling the wire. Craig said the problem stems from the blueprints not showing the correct number of lights. Craig said it was overlooked by him. Mayor Baker said it should also have been caught by the engineer. Councilman Long said he could also see the contractors point of view because of the lack of information and follow through on the part of Rocky Mtn Power. Councilman Kitchen said the project needs to be done and they don't want to hold it up. Councilman Kitchen **moved** to approve the change order for JB Gordon Construction and to approve the \$4,820.72 for B.H.I. Ken Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye

***CHANGE ORDER FOR 1000
SOUTH FOR SIDEWALK
RETAINER WALL AND
STREET LIGHTS***

Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt said the other change order for JB Gordon Construction deals with the installation of a fence along the property line of Mr. Carlson. Craig said the Carlson's didn't want to wait for the completion of the project when the dirt would be brought in before putting up their fence. He said, because of that, a retaining wall will need to be built in order to hold the dirt in place along the sidewalk. The cost for this change order was \$10,075. Mayor Baker also felt the Engineer should have anticipated this problem. He also thought the cost of the wall for such a short distance was a lot of money. Craig said they could look at someone to bid the project but he felt comfortable with the relationship between JB Gordon and Mr. Carlson. He thought the contractor would know what would be acceptable to Mr. Carlson. Councilman Kitchen wanted to know if the wall had to be concrete. Craig said decorative block is built on a 2% break away and he thought it would allow too much debris to get in and you would have a void there. Councilman Long wanted to know how soon this needed to be done. Craig said the contractor is ready to lay asphalt and the sidewalk is poured down to that point. Councilman Hall said he feels like the City is being held hostage because the work needs to be done and there is nothing else to do. Mayor Baker still felt the engineer should have foreseen the problem and planned for it. Ken Reynolds **moved** to approve the change order for \$10,075. Robert Hall **seconded** the motion. The motion passed with the following roll call:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Chief Mark Watkins and Craig Blunt discussed the curfew ordinance that was recently passed by Vernal City and Uintah County. Chief Watkins recommended the Council table the matter until he and Craig could meet with Dennis Judd to discuss the ordinance. Chief Watkins said he was not pleased with some of the wording in the ordinance and he knew Dennis Judd was not either. Chief Watkins did like the idea of uniformity throughout the area and wanted to avoid the same problems that Vernal City and Uintah County are having with truancy and curfew. Chief Watkins was not sure

***RESOLUTION 09-214
ADOPTING FY 2009/2010
BUDGETS***

***CURFEW ORDINANCE -
CHANGE TO CHAPTER 13
OF CITY ORDINANCE***

he liked the way the ordinance targeted business owners. Chief Watkins said the reason Vernal City and Uintah County acted so quickly in passing the Ordinance was to accommodate the School District in a letter they want to send to parents. Mayor Baker wanted to know if the City could pass the ordinance as written and then come back and make changes to it. He said this would allow the letter to be mailed out from the school and it would show solidarity with Vernal City and Uintah County in the matter. After some discussion, Dennis Long **moved** to adopt Ordinance 09-115 amending Chapter 13 of the City Ordinance regarding curfew. Dan Olsen **seconded** the motion. The motion passed with all voting as follows:

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Craig Blunt was asking the Council for an approved budget to get started on the replacement of the fence for Mr. Cooper at 1000 South 2000 East as agreed upon. Mayor Baker asked Craig if he went back to see what was agreed upon. Craig said it was net with three barbs on top. Mayor Baker wanted to know if Mr. Cooper specified the height. Craig said it would be a forty-seven-inch net wire with three barbs on top. He is planning on horses in the pasture and wants the posts placed ten feet apart and has two passage gates he wants. Craig said Mr. Cooper wants the t-posts in order to get the height. Craig said he also wants cedar for the gates. Craig said he could do the work for less than \$4,500. Robert Hall **moved** to approve \$4,500 for the fence project that the City originally committed to. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call.

Gordon Kitchen	Aye
Ken Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Councilman Kitchen said he was contacted by Mayor Baker about Kenny Lind removing the dead trees at the park. The assumption was that Mr. Lind wanted to remove them in order to use them for firewood. It was later learned that Mr. Lind wanted to submit a bid of \$1,500 to remove the trees.

***REPLACEMENT OF
FENCE AT 1000 SOUTH
2000 EAST FOR BRENT
COOPER***

***BID FOR REMOVAL OF
TREES AT PARK***

Councilman Kitchen spoke with Neil Cathey of the Recreation District and learned that arrangements have already been made to remove the trees through a group of volunteer workers. The Recreation District did not have the funds in the budget to pay for the removal of the trees. The Council agreed they would let the Recreation District move forward with their plans to remove the trees using the volunteers and to let Mr. Lind know they appreciated his bid for removal of the trees. No action was taken on the matter.

Chris Hoem reported on his research concerning the IR-1 zone. Chris presented the minutes of the Planning Commission from May 13, 2003 where a discussion was held regarding an IR-1 zone. In the minutes it stated the property owners along 1750 South approved an IR-1 zone in their area. The recommendation from the Planning Commission never came before the City Council for approval. Chris told the Council that he has removed the IR-1 zone from the maps as suggested by the Mayor and wanted to know what the Council would like to do. The Council agreed to leave the zone as it is currently listed on the maps and if anyone would like to build a residence on 1750 South they would need to proceed with the process of requesting a zone change. Mayor Baker wanted Chris to make sure the Planning Commission understands that any changes regarding land use or zoning changes need to be approved by the City Council. Chris said he would discuss the matter at their next meeting. No action was taken.

Craig Blunt updated the Council on the preconstruction meeting he attended for the installation of the traffic signals at 500 South 1500 East and SR 45. He reported that UDOT has forty-five days to complete all three traffic signals they are doing in the area. He said they have certain days they are restricted from working and they can't cause road congestion. UDOT will start on the traffic signal on the west end of Vernal City and then complete the two in Naples.

Fire Suppression Special Service District - Councilman Hall stated the recently purchased ladder truck should soon be ready to be picked up and they would need to finalize those plans. Mayor Baker asked about having the logos put on while the truck is there. Councilman Hall was not sure about that but would follow up with Chief Reynolds.

Recreation District - Councilman Kitchen said the renovations of the ball parks up town are well underway and

IR-1 ON ZONING MAPS

UPDATE ON TRAFFIC SIGNALS AT 500 SOUTH 1500 EAST AND SR 45

SPECIAL SERVICE DISTRICT UPDATES

the park people should be able to start focusing on other projects. He thought the play equipment at the Naples park would be one of those projects.

Uintah Impact Mitigation - Councilman Long just wanted to remind the Council of the upcoming ribbon cutting ceremony for the USU building. He said more information would be forthcoming about that.

Police Department - Chief Watkins showed the Council the new tactical rifles purchased by the department. He invited any of the Council members that would like to come to the shooting range when the department has their qualifying shoot. He also reported that the city has been doing the alcohol compliance checks in conjunction with Vernal City and the Sheriff's department. He reported that so far the businesses in Naples have been in compliance.

Chief Watkins told the Council that he received funding through a JAG grant and he has ordered a speed limit trailer. He said the grant works through a reimbursement system. The City would have to pay for the trailer and then be reimbursed. He told the Council when he received the invoice he will have it on the agenda for approval.

Craig Blunt wanted to add a discussion about setting the speed limit for 1000 South to the next agenda. He said he would get with Chief Watkins and discuss the matter and bring their recommendations back to the next Council meeting.

Dan Olsen **moved** to go into a closed session to discuss the character, professional competence, or physical or mental health of an individual, which the Mayor signed an affidavit for. Robert Hall **seconded** the motion. The motion passed with all voting aye on roll call. Those present in the closed session were Mayor Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, Ken Reynolds, Jim Harper, Craig Blunt, and Nikki Kay.

Ken Reynolds **moved** to go out of a closed session. Dan Olsen **seconded** the motion. The motion passed with all voting affirmative with a roll call vote.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 9:10. Dan Olsen **seconded** the motion. The meeting was adjourned

DEPARTMENT REPORTS

FUTURE COUNCIL MATTERS

CLOSED SESSION

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 23rd DAY OF JULY 2009

BY: _____

ATTEST: _____